

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

PAUL KUHNE,)	
)	
Plaintiff,)	
v.)	No. 07-cv-1364(HB)(RLE)
)	
COHEN & SLAMOWITZ, LLP, and)	
MIDLAND FUNDING NCC-2 CORP.,)	
)	JURY DEMANDED
Defendants.)	

Motion for Summary Judgment

Plaintiff Paul Kuhne hereby moves for summary judgment under Federal Rule of Civil Procedure 56. The undisputed facts show that Defendants, Cohen & Slamowitz, LLP (C&S), and Midland Funding NCC-2 Corp. (NCC-2), violated the Fair Debt Collection Practices Act (FDCPA) and New York State's Deceptive Practices Act (GBL § 349), by drafting, filing, and serving Kuhne with a New York City Civil Court summons and complaint, even though NCC-2 is not licensed to collect debts by the New York City Department of Consumer Affairs (DCA) as required by the New York City Administrative Code (NYCAC).

Filing suit to collect a debt without a license and without pleading the licensing allegations required by New York City law constitutes an abusive debt-collection practice. The pleadings, depositions, answers to interrogatories, and admissions on file,

together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the plaintiff is entitled to a judgment as a matter of law.

Yours, etc.,

/s/ Brian L. Bromberg
Brian L. Bromberg
One of Plaintiff's Attorneys

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